

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

 In the Matter of)
)
 C.F. Communications Corp., et al.)
)
 Complainants,)
)
 v.)
)
 Century Telephone of Wisconsin,)
 Inc., et al.)
)
 Defendants)

EB Docket No. 01-99

File Nos. E-93-43
 E-93-44
 E-93-45

CORRESPONDENCE
 FILE

To: **Arthur I. Steinberg**
Administrative Law Judge

**DEFENDANTS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
 COMPLAINANT'S SECOND SET OF DOCUMENT PRODUCTION REQUESTS**

Carolina Telephone and Telegraph Company, in File No. E-93-43, United Telephone Company of Pennsylvania, in File No. E-93-44, and United Telephone Company of Florida in File No. E-93-45 ("Defendants") by their attorneys and pursuant to Sections 1.325 of the Commission's Rules, hereby provide supplemental responses to Complainant ("Complainant") Ascom Communications, Inc.'s Second Set of Document Production Requests.

GENERAL OBJECTIONS

1. Defendants object to these Production Requests to the extent that they seek any information or material that is subject to the attorney-client privilege, the attorney work product privilege, or the common interest privilege or information or material that was prepared in anticipation of litigation or that otherwise constitutes protectable work product.

2. Defendants object to the use of the "Sprint payphone" as this term is vague.

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3. Defendants object to any request requiring production of any material for the period prior to January 11, 1991 because Plaintiff has not sustained any damages recoverable before this time pursuant to the statute of limitations.

4. Defendants object to Complainant's Definition Number 3 defining the terms "Complainant" and "Plaintiff" to the extent that these definitions apply to any entity other than Ascom Communications, Inc., Ascom Holding, Inc. and U.S. Communications of Westchester, Inc. It is unduly burdensome and speculative to require Defendants to identify entities that the Complainant itself has not identified.

5. Defendants object to the Complainant's Definition Number 5 defining the terms "Defendant," "you," "your," and "Sprint" to the extent that these definitions apply to any entity other than United Telephone Company of Pennsylvania, United Telephone Company of Florida and Carolina Telephone and Telegraph Company.

6. Defendants object to any request requiring production of any material for the period after November 1993 because the Plaintiff sold its payphones at that time and, therefore, Plaintiff has not sustained any damages recoverable after that time.

REQUESTS FOR PRODUCTION

2. Any and all maintenance records from the time period 1987 through April 14, 1997 for each Sprint payphone access line connected to a payphone owned and/or operated by Complainant during this time period.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this request because it is vague, unduly burdensome, and not relevant to the extent it requests documents concerning payphone access lines connected to a payphone "owned and/or operated" by Complainant.

Defendants object to this request for the production of maintenance records because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request as Complainant's business records should include this information and it is unduly burdensome for Defendants to provide such documents.

Supplemental Response

Subject to the foregoing specific objections and the "General Objections," which are hereby incorporated by reference, based on a search of Defendants' records, no documents responsive to this request have been found.

4. Any and all documents regarding any payments by Complainant of a deposit to Sprint, during the time period from 1987 through April 14, 1997, in connection with Sprint's provision of telephone service to Complainant, including any and all documents relating to any requests for such payments from Complainant.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this request because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Supplemental Response

Subject to the foregoing specific objections and the "General Objections," which are hereby incorporated by reference, based on a search of Defendants' records, no documents responsive to this request have been found.

10. Any and all documents regarding any and all policies, procedures, and/or practices of Sprint during the time period from 1987 through April 14, 1997 regarding the nonpayment of telephone bills, EUCL charges, and/or other charges by subscribers to Sprint payphone access lines, including any and all documents regarding any and all policies, procedures, and/or practices of Sprint regarding denial for nonpayment and/or assessment of late charges on subscribers to Sprint payphone access lines.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is vague, duplicative, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Answer

Subject to and without waiving the specific objections and the foregoing “General Objections,” Defendants’ policies for nonpayment are contained in their tariffs, which are publicly available and, therefore Complainant has, or should have, the information requested.

Supplemental Response

Subject to the foregoing specific objections and the “General Objections,” which are hereby incorporated by reference, Defendants state that they are providing the tariff citations responsive to this request (Exhibit 5a).

14. Any and all state and federal tariffs and tariff provisions relating to any and all policies of Sprint, during the time period from 1987 through April 14, 1997, regarding disputed charges, nonpayment of disputed charges, assessment of late charges because of nonpayment of disputed charges, and/or termination or suspension of service for nonpayment of disputed charges.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request as vague, unduly burdensome, and not relevant. Defendants object to this request because their tariffs are publicly available and, therefore, Complainant has, or should have, the information requested.

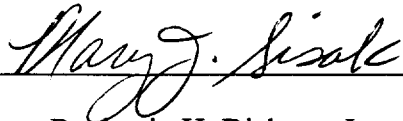
Supplemental Response

Subject to the foregoing specific objections and the “General Objections,” which are hereby incorporated by reference, Defendants state that they are providing the tariff citations responsive to this request (Exhibit 5a).

As to Specific and General Objections:

Carolina Telephone and Telegraph Company;
United Telephone Company of Pennsylvania;
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By: _____

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Dated: September 18, 2001

Their Attorneys

EXHIBIT 5a

Tariff Section References

Question	United Telephone System Tariff F.C.C. No. 5	The United Telephone Company of Pennsylvania Telephone Pa. P.U.C. No.26	Carolina Telephone and Telegraph Company - North Carolina	United Telephone Company of Florida General Exchange Tariff
Interstate Tariff Non- Payment — Pennsylvania, Florida, North Carolina	Section 2, Original and First Revised Page 29 and Second, First and Original page 29.1, 2.1.8 (A), (B), (C) and (D)			
Interstate Tariff Payment of Rates, Chrgs and Deposits — Pennsylvania, Florida, North Carolina	Section 2, Original Page 45, 45.1, 45.2 and Original and First Revised Page 46, 2.4.1			
Public - Directory Listings	N/A	Section 10, Original and First Revised Sheet 1, Paragraph A	Section 6, Second through Seventh Revised Page 2, 6.1.h	Section A7, First through Third Revised Sheet 2, A.4
Public - Extensions	N/A	Section 10 - No reference to extensions	Section 7, Second through Sixth Revised Page 1, 7.1.1	Section A7, First through Third Revised Sheet 2, A.3.d
Semi-Public - Directory Listings	N/A	Section 10, First Revised Sheet 2	Section 6, Second through Seventh Revised Page 2, 6.1.h	Section A7, Second and Third Revised Sheet 3, B.1.c
Semi-Public - Extensions	N/A	Section 10 - No reference to extensions	Section 7, Tariff language for extensions were removed from our tariff April 16, 1981.	Section A7, Second Revised Sheet 4, 2.a
Non-Payment	Section 2, Original and First Revised Page 29 and Second, First and Original page 29.1, 2.1.8 (A), (B), (C) and (D)	See suspension of service.	Section 2, First and Fourth Revised Sheet 4, 2.2.10 (5), Third Revised Sheet 26, 2.4.3 (a) through (f)	Section A2, Second and Third Revised Sheet 4, B.10.(a) (6)
Termination of Service	Section 2, Original and First Revised Page 29 and Second, First and Original page 29.1, 2.1.8 (A), (B), (C) and (D)	Section 1, First Revised Sheet 5, 7.e	Section 2, First through Fourth Revised Sheet 4, 2.2.10 (a) 5, 6 and 7. Original through Fourth Revised Sheet 3, 2.2.10 (a) (1 through 5)	Section A2, Original Sheet 17, 16.(a) 1 through 3, Original through Third Revised Sheet 18, 16.b
Late Payment	Section 2, First Revised Page 48 and Original Page 48.1, 2.4.1 (B)3b. First and Second Revised Page 49, 2.4.1 (B)(3)(b) I and II. Tariff F.C.C. No. 1, Original Page 2-48, 2.4.1 (B)(3)(b) I and II.	Section 1, First, Second and Third Revised Sheet 3, 5.c	Section 2, 2.4.2 (d) Commission Rule R12-9	Section A2, Original Sheet 25, D.3 (f), First and Second Revised Sheet 25, D.3 (f) & (g)

Tariff Section References

Question	United Telephone System Tariff F.C.C. No. 5	The United Telephone Company of Pennsylvania Telephone Pa. P.U.C. No.26	Carolina Telephone and Telegraph Company - North Carolina	United Telephone Company of Florida General Exchange Tariff
Deposits	Section 2, Original Page 45, 2.4.1(A), Original through Second Revised Page 45.1, 2.4.1(A). Tariff F.C.C. No. 1, Original Page 2-43. Original and First Revised Page 2.4.1(B)	Section 1, First, Second and Third Revised Sheet 3, 6.a	Section 2, Follows the Commission Rules that govern deposits. Original Page 19, Original through Fourth Revised Page 20, First through Third Revised Page 21, First and Second Revised Page 22 and 23, Second and Third Revised Page 24, Second Revised Page 25.	Section A2, First and Second Revised Sheet 21, D.2.a.1 (a) through (d), Original Sheet 21.1, D.2.a.2, First through Third Revised Sheet 22, D.2. b and c, First through Fourth Revised Sheet 23, D.2. (d) through (f)
Suspension of Service	N/A	Section 1, Second, Third and Fourth Revised Sheet 4, 7.a and b	Section 2, Third Revised Page 26, 2.4.3. C	Florida's Suspension of Service is for Vacation Service.
EUCL Rates and Charges	Section 4, Original Page through Eighteenth Revised Page 104, 4.7(c)			
Disputed Charges	Section 2, Original Page 50, 2.4.1(B)3(d), Original through Third Revised Page 50. Tariff F.C.C. No. 1, Original Page 2-50.			

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2001 a copy of the foregoing was served by first-class United States mail, postage prepaid, on the following parties:

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